

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

In the Matter)	CV NO. 03-00672 SOM-BMK
)	
of)	
)	
The Complaint of MORNING STAR)	
CRUISES, INC., a Hawaii)	
Corporation.)	
<hr/>		
SHIROH FUKUOKA,)	CV NO. 04-00588 SOM-BMK
)	[CONSOLIDATED]
)	
Plaintiff,)	DECLARATION OF DESIREE
)	HIKIDA MOKUOHAI
vs.)	
)	
MORNING STAR CRUISES, INC.,)	
)	
Defendant.)	
<hr/>		

DECLARATION OF DESIREE HIKIDA MOKUOHAI

I, DESIREE HIKIDA MOKUOHAI, declare:

1. I am an attorney licensed to practice law in the State of Hawaii.
2. I am one of the attorneys for Defendant/Limitation Plaintiff
MORNING STAR CRUISES, INC. (hereinafter referred to as "Morning Star") in
the above-entitled matter.
3. I make the following statements based upon my personal
knowledge unless otherwise indicated.

4. Plaintiff SHIROH FUKUOKA, *Individually and as Personal Representative of THE ESTATE OF MITSUKO FUKUOKA, and as Next Friend of MIHO FUKUOKA, a minor*, filed its complaint against MORNING STAR on September 8, 2003 in the Circuit Court of the First Circuit State of Hawaii.

5. On December 8, 2003, Morning Star initiated a Complaint for Exoneration from or Limitation of Liability in the United States District Court for the District of Hawaii.

6. On March 26, 2004, Morning Star filed its First Request for Answers to Interrogatories and First Request for Production of Documents and Things to Limitation Defendants.

7. Pursuant to a Stipulation filed April 26, 2004, Morning Star filed a notice of removal of Plaintiff's case to the United States District Court for the District of Hawaii and a consolidation with its Complaint for Exoneration from or Limitation of Liability.

8. An Amended Rule 16 Scheduling Order was filed by this Court on October 4, 2004 setting trial for October 4, 2005.

9. On April 19, 2005, this Court filed a Second Amended Rule 16 Scheduling Order setting trial for December 28, 2005.

10. Plaintiff/Limitation Defendant's lack of compliance with discovery requests necessitated an Amended Rule 16 Scheduling Order filed on March 20, 2006 setting trial for August 22, 2006.

11. Plaintiff/Limitation Defendant to this date has not complied with Morning Star's discovery requests, a Motion to Compel Discovery hearing is scheduled for May 26, 2006.

12. I believe that there is a good cause for filing Morning Star's Motion for Summary Judgment.

I declare under penalty of law that the foregoing is true and correct.

Dated: Honolulu, Hawaii, May 4, 2006.

/s/ Desiree Hikida Mokuohai
DESIREE HIKIDA MOKUOHAI